



VOSH PROGRAM DIRECTIVE: 14-398B

ISSUED: May 1, 2009

SUBJECT: Local Emphasis Program - Tree Felling and Tree Delimbing Activities

A. Purpose.

This revision expands this local emphasis program (LEP) for all tree felling and tree delimbing activities statewide and transmits it to field personnel. The previous version of 14-398A was in effect for only Central and Tidewater regions.

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.

B. Scope.

This Directive applies to VOSH statewide.

C. Reference.

Not applicable.

D. Cancellation.

VOSH Program Directive 14-398A (April 1, 2003).

E. Action.

The Director of VOSH Safety and all Regional Directors and Compliance Managers shall ensure that procedures established in this Directive are adhered to for the conduct of inspections in tree felling and tree delimbing operations.

F. Effective Date.

May 1, 2009.

G. Expiration Date.

Not Applicable.

H. Background.

The logging industry is considered by VOSH and OSHA to be one of the most hazardous industries, with high fatality and injury rates. For this reason, a revised logging regulation § 1910.266 was promulgated by Federal OSHA, and adopted by VOSH in December, 1994.

VOSH initiated a statewide Local Emphasis Program for logging in 1991 in response to the occurrence of eight fatalities and an illness and injury rate of 12.8 in the logging industry SIC 2411 during calendar year 1990. This LEP was renewed in early 1992 and discontinued upon its expiration on October 31, 1992. However, in response to continued high rates of injuries and fatalities in the logging industry, a revised LEP was initiated in 1993 which included a training partnership component for that year (1993) followed by scheduled compliance inspections during the next calendar year (1994). The LEP expired at the end of calendar year 1994.

Between 1996 and 1999, the Tidewater and Central Regions of the State investigated at least six fatalities involving tree felling or delimbing. It is important to know that only one of these deaths occurred in SIC 2411, the rest having occurred in SIC codes for other industries. These other industries, which sometimes engage in tree felling and delimbing, include landscape and horticultural services (0780) and heavy construction (1620). In addition, a number of inspections have been conducted in operations where violations of the logging standard have been cited.

In December, 1998, a severe ice storm caused extensive tree damage in the Central and Tidewater Regions. Clean-up efforts included the normal activities associated with the logging industry such as, delimbing, felling, chipping and hauling. These are hazardous activities that need constant monitoring due to the increased exposure of employees. This LEP was initiated to address the ice storm clean-up in the Central and Tidewater Regions at that time. However, in fiscal year 2001, tree trimming fatalities grew to an alarming six deaths in the Tidewater region alone. This Directive was revised and re-issued to facilitate tree work related safety in those two regions.

I. Review and Update:

Recent Incident review of this area has yielded the following analysis of post 2004 data:

1. Frequency:

26 fatalities have occurred involving tree trimming or logging statewide:

2005	- 4 fatalities	2008	- 8 fatalities
2006	- 6 fatalities	2009	- 2 fatalities (<i>year to date</i>).
2007	- 6 fatalities		

2. Classification of Incident:

- 15 were struck by trees or tree limbs;
- 6 falling from trees;
- 3 tree trimmers who contacted OHV lines;
- 2 others not classified as above.

3. Distribution:

The 26 fatalities have been distributed around the Commonwealth as follows:

- | | |
|--------------------------|----------------------|
| 10 - Northern VA. Region | 5 - Southwest Region |
| 7 - Central Region | 4 - Tidewater Region |

These numbers indicate a significant rising trend in related incidents since this directive was last updated in 2003 and warrants the program expansion to cover all regions statewide.

J. Procedures.

1. VOSH personnel statewide shall be instructed to be on the lookout for tree delimbing and felling activities on general industry and construction worksites. Every observation of these activities shall be handled as follows:
 - a. Regardless of whether a violation is observed, whenever a CSHO sights or receives any other notice of a general industry or construction operation involving tree delimbing or felling (including nonformal complaints, other government referrals and reports from members of the public), the CSHO shall:
 - (1) Make note of the state and condition of the work operation insofar as it is known, including any apparent serious hazards.
 - (2) Note the name and address or location of the worksite and the contractor (where applicable) performing the operation, if known.
 - b. All general industry and construction work activities in which tree delimbing or felling is observed shall be inspected. The CSHO shall immediately notify his supervisor that an inspection has been opened pursuant to this LEP.
 - c. Complaints and other referrals involving general industry and construction operations where tree delimbing and felling is occurring shall be scheduled as unprogrammed inspections under the LEP, conducted in accordance with procedures found in the VOSH FOM. Such notices, therefore, need not be responded to with the usual letter to the employer.
2. Although sightings will normally be those which occur during the course of routine travel during duty or nonduty hours, the discovery of these work activities may be the result of a specific search to find activities involving tree delimbing and felling at the discretion of the Commissioner. Verification of information received from sources other than CSHO observation, as indicated in J.1.a. of this

Directive, is also permitted under this LEP.

3. Documentation of the events leading up to the observation or the reporting of general industry and construction operations with tree delimbing or felling activities shall be maintained by the Regional Office in case of denial of entry.
4. When an inspection is not conducted because consent has not been obtained, a warrant shall be sought in accordance with the current procedures for handling such cases. A warrant may not be necessary, however, if the violations are in plain view. In such situations, the Regional Compliance Manager shall contact the Office of Legal Support for guidance.
5. The scope of inspections conducted under this LEP shall normally be limited to activities involving tree delimbing or felling. If the inspection is to be expanded, the principles given in the VOSH FOM shall be followed.

K. Recording in IMIS.

The following guidelines shall be applied when recording inspections conducted under this LEP or other inspections where general industry and construction operations involve tree delimbing or felling activities:

Use the VOSH-1 Form in filling out an inspection report.

1. For **Inspection Type**, find item 24, and enter an "H" after the colon. (The words "**Programmed Planned**" will appear on the screen.)
2. For **Inspection Classification**, find item 25c and type a "Y" after the colon. (The words "**Local Emphasis Program**" will appear on the pop-up screen.) Then enter "**LOGGING**" in capital letters in the left column of the pop-up screen.)

C. Ray Davenport
Commissioner

Attachment: None.

Distribution: Commissioner of Labor and Industry
Assistant Commissioner - Programs
VOSH Directors and Managers
Cooperative Programs Director and Manager
VOSH Compliance and Cooperative Programs Staff
Legal Support Staff and IMIS Staff
OSHA Region III & Norfolk Area Office